

Remarks/Arguments:

This paper is responsive to the Office Action dated December 19, 2003. Claims 1-7 and 9-10 are presented for examination. Applicant has amended claim 1; cancelled claim 8 without prejudice; and added claims 9 and 10. Applicant respectfully requests reconsideration and allowance of claims 1-7 and 9-10 in light of the amendments and remarks made herein.

Applicant's representative hereby authorizes the use of Deposit Account 03-0172 for a three-month extension of time fee of \$950.00 under 37 C.F.R. §1.17(a)(2), and for any other payment necessary to maintain the application in good standing.

Rejection of Claims 1-7 Under 35 U.S.C. 101 and 112, First Paragraph - Lack of Utility

Claims 1-7 stand rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter and therefore, also stand rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the enablement requirement.

With respect to 35 U.S.C. §101, the Office alleges that the steps of claims 1-7 recite an abstract idea and do not produce useful, tangible, concrete results. With respect to 35 U.S.C. § 112, first paragraph, the Office alleges that it is "not clear from the specification and Figs. 1-6 how the current steps of claim 1 can be put together to form a method for analyzing business data." The Office further alleges that "the preamble calls for a method for analyzing business data but the body of the claim fails to show the steps of how to analyze the business data."

Applicant respectfully disagrees with the Office's conclusions regarding these claims. Applicant contends that claims 1-7 provide a useful, tangible and concrete result, namely "the determined value of the key performance indicator," which is transmitted to a contextual visualization interface. With respect to enablement, Figure 3 provides a flow chart that describes an example of each step of the recited method.

Notwithstanding Applicant's disagreement with the rejections, and solely in an effort to expeditiously advance prosecution of this case, Applicant has amended independent claim 1. As amended, claim 1 recites a "method for reporting a key performance indicator." Applicant has further amended the final element of claim 1 to recite "displaying the determined value of the key performance," thereby providing a useful, tangible and concrete result. Applicant submits that these amendments overcome the rejections under 35 U.S.C. §§101 and 112, first paragraph.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 101 and 112, first paragraph, asserted against claims 1-7.

Rejection of Claim 8 Under 35 U.S.C. 101 and 112, First Paragraph - Lack of Utility

Claim 8 stands rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter and therefore, also stand rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the enablement requirement.

With respect to 35 U.S.C. §101, the Office alleges that the claimed system is a combination of “elements containing abstract idea and does not reduce to a practical application in the Technological arts (involving computer or electronic network) and are therefore found to be non-statutory.” With respect to 35 U.S.C. § 112, first paragraph, the Office alleges that it is “not clear from the specification and Figs. 1-6 how the current elements of claim 8 can be interpreted and operated together to form a system for analyzing and presenting business data.” The Office further alleges that “It’s not clear how the two elements as shown on the claim operating together to achieve the scope [sic] the claim which is a system for analyzing and presenting business data.”

Applicant respectfully disagrees with the Office’s conclusions regarding claim 8. Applicant contends that claim 8 recites elements fully described in the specification and shown in Figures 1 and 2. Notwithstanding Applicant’s disagreement with the rejections, and solely in an effort to advance prosecution of this case, Applicant has canceled claim 8 without prejudice and presented new claims 9 and 10. As presented, claim 9 recites a “system for reporting a key performance indicator.” Applicant submits that new claims 9 and 10 are not subject to the rejections under 35 U.S.C. §§101 and 112, first paragraph, which were asserted against claim 8.

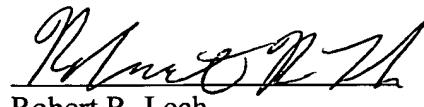
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Amendment dated June 21, 2004
Reply to Office action of December 19, 2003

Conclusion

In view of the foregoing remarks and amendments, Applicant respectfully submits that the claims under consideration are in condition for allowance. Applicant respectfully requests the reconsideration and re-examination of this application, and prompt issuance of a Notice of Allowance. The Examiner is invited to contact the undersigned attorney to discuss actions that may be taken to place this application in condition for allowance.

Respectfully submitted,

June 21, 2004
Date


Robert R. Lech
Patent Office Reg. No. 37,169
Attorney for Applicants
Direct Dial: (614) 621-7101